

SPECIAL CIVIL APPLICATION NO. 1877 OF 1984

Date of decision: 10-7-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J
(1-7-1996)

Mr. R. N. Shah for the petitioner
Mr. N.N. Pandya for the respondents.

ORAL JUDGMENT:

Heard the learned counsel for the parties.

The petitioners have made grievance in connection with their seniority in the cadre of Sanitary Inspector. Reply to the special civil application has been filed by the respondents, and made statement that all the petitioners have been given revised placement in the seniority list. So the grievance of the petitioners about giving them appropriate seniority in the cadre of Sanitary Inspector no more survives. As regards the consequential benefits, the respondents have come up with the case that petitioner No.1 has already been promoted on 28-12-1984 to the post of Leprosy Supervisor, with deemed date. So far as petitioners No.2 and 3 are concerned, the respondents have come up with the case that their case of promotion could not be considered because of the interim order passed by this Court in special civil application No. 371 of 1981 and civil application No.62 of 1987. The respondents have further stated that the aforesaid civil application and the special civil application have been disposed of on 3rd March 1992 and interim relief has been vacated. Whatever difficulty was there in giving promotion to petitioners No.2 and 3 on the post of Leprosy Supervisor it ceased on 3rd March 1992. But even there after expiry of four years, how far the respondents are justified in coming up with such a defence is a matter of concern. Be that as it may.

3. The interest of justice will be met in case the special civil application is disposed of with the following direction. The respondents shall consider the case of the petitioners No. 2 and 3 for giving them promotion to the post of Leprosy Supervisor and, in case they are found suitable for the same, to give them all consequential benefits with deemed date of promotion. Rule made absolute in the aforesaid terms. No order as to costs.